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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,211	03/26/2001	Tetsuro Iwamoto	108991	5781
25944	7590	03/23/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ALPERT, JAMES M	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/816,211		IWAMOTO, TETSURO	
	<b>Examiner</b>		<b>Art Unit</b>	
	James Alpert		3624	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3-14,3-26,5-25,11-</u>                                                    | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

The application, received on March 26, 2001 has been examined, and Claims 1-20 are pending. Before analyzing Applicant's claims in detail, the Examiner would like to remind Applicant that claims must be given the broadest reasonable interpretation. See In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664,1667 (Fed. Cir. 2000). To that end, the Examiner will concede that the prior art presented below, Fletcher et al, U.S. Patent #6112190, is not an exact duplicate of what appears to be Applicant's inventive feature. However, it will be seen that Fletcher demonstrates a system that is more expansive than Applicant's proposed invention, wherein certain modules in Fletcher do teach Applicant's invention as presently claimed. With this fact in mind consider the following rejections.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

Claims 1,3,5,9,11,13 are rejected under 35 U.S.C. 102(e) as being anticipated by Fletcher et al, U.S. Patent #6112190.

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**With regard to Claims 9,1,16,** Fletcher teaches a method, system, and storage medium comprising:

calculating an estimated rating point value corresponding to a financial state changing measure applicable to a particular company, by using estimated financial data after said financial state changing measure applicable to said particular company is performed and a predetermined rating point value formula; (See Figure 19, item 343 showing a credit point value, "3.0"; see Figure 13, items 146s, 146t, showing interim and projected financial states; see Figure 21, "credit assessment" as a function (e.g. formula) of "character", "information quality", "repayment sources", and "financial condition")

calculating numeral data that corresponds to said estimated rating point value and is associated with credit risk of said particular company by using said estimated financial data after said financial state changing measure is performed; (See Figure 18, item 324d, showing rates based on credit rating derived from the estimated financial data)

outputting information concerning said estimated rating point value calculated and the calculated numeral data. (See Figure 18, representative of a GUI, and see Figure 26, "Credit Approval Summary", and "Key Evaluation Data")

**With regard to Claims 11,3,** Fletcher teaches a method and system comprising:

calculating a rating point value corresponding to a present financial state of said particular company by using financial data that represents said present financial state of said particular company and said predetermined rating point value formula, and

(See Figure 19, item 343 showing a credit point value, "3.0"; see Figure 13, items 146r, showing current annual financial data; see Figure 21, "credit assessment" as a function (e.g. formula) of "character", "information quality", "repayment sources", and "financial condition")

wherein said outputting step includes a step of outputting said rating point value corresponding to said present financial state of said particular company or an improved point value of said estimated rating point value from said rating point value corresponding to said present financial state. (See Figure 18, representative of a GUI, and see Figure 26, "Credit Approval Summary", and "Key Evaluation Data")

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**With regard to Claims 13,5** Fletcher teaches a method and system comprising:

calculating numeral data associated with present credit risk of said particular company by using financial data that represents a present financial state of said particular company, (See Figure 13, items 146r, showing current annual financial data, and see Figure 18, item 324d, showing rates based on credit risks associated with the current financial data)

and wherein said outputting step includes a step of outputting said numeral data associated with said present credit risk of said particular company or an improved degree of said numeral data that corresponds to said estimated rating point value and is associated with said credit risk from said numeral data associated with said present credit risk. (See Figure 18, representative of a GUI, and see Figure 26, "Credit Approval Summary", and "Key Evaluation Data")

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2,4,6-8,10,12,14-15,17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher in view of Johnson et al, U.S. Patent #5615408.

**Claims 10,2,17**, recite a method, system, & storage medium comprising:

stochastically estimating a rating from said estimated rating point value, and wherein said information concerning said estimated rating point value calculated is the stochastically estimated rating.

It appears that Fletcher employs a "likelihood" analysis in arriving at a credit point value, in Figures #19-20, which shows subjective assessments in addition to detailed numerical ratings of factors effecting creditworthiness. Still, Fletcher does not seem to expressly use a stochastic or probabilistic analysis in

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arriving at an overall credit rating of a user. However, Johnson, in discussing credit scores, teaches this exact limitation at (Col. 8, lines 53-59). Further, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Fletcher, relating to calculating credit point values, with the teachings of Johnson, relating to stochastic determinations of variations in such values. The motivation for such a combination is within the general knowledge of one ordinarily skilled in the art, and is simply to provide greater and more precise information about a potential borrower.

**With regard to Claims 12,4,18,** Fletcher teaches a method, system and storage medium comprising:

computing an estimated rating corresponding to said estimated rating point value and said outputting step includes a step of outputting said estimated rating corresponding to said estimated rating point value (See Figure 19, item 342, showing a "good" credit quality, based on the numerical point value)

Fletcher does not expressly teach that the "expression" credit rating (in words) is a relative value based on probabilities. In terms of Applicant's claims, Fletcher does not expressly teach:

information concerning probability of said estimated rating, and outputting said information concerning said probability of said estimated rating.

However, as mentioned above, Johnson teaches this aspect of making credit determinations (see Col. 8, lines 53-59). As such, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fletcher, relating to computing a credit rating, with the teachings of Johnson, relating to calculating probabilities of variations in the rating. The motivation for such a

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combination is within the general knowledge of one ordinarily skilled in the art, and is simply to provide greater and more precise information about a potential borrower.

**With regard to Claims 14,6,19,** Fletcher does not expressly teach a method and system wherein:

said numeral data associated with said estimated credit risk includes a step of calculating bankruptcy probability of said particular company

However, Johnson also teaches probability of bankruptcy as a factor in making credit determinations at (Col. 8, lines 53-59). As such it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Fletcher, relating to calculating numeral data associated with estimated credit risk, to include a bankruptcy probability, as taught by Johnson. The motivation for such a combination is within the general knowledge of one ordinarily skilled in the art, and is simply to provide greater and more precise information about a potential borrower.

Fletcher teaches one other limitation recited by the claim:

using estimated financial data after said financial state changing measure is performed (See Figure 13, items 146s, 146t, showing interim and projected financial states).

The remaining limitation refers to using a predetermined bankruptcy probability formula, which is not taught by Fletcher. However, Official Notice is taken that it is old and well known to use a predetermined formula for calculating bankruptcy probabilities, in that SOME formula must be chosen to complete the calculations. As such, it would have been obvious to one of ordinary skill in the

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art, at the time applicant's invention was made, to combine the teachings of Fletcher related to calculating a numeral data associated with a credit risk, to include a predetermined formula for calculating a bankruptcy probability. The motivation for such a combination is within the general knowledge of one ordinarily skilled in the art, and is simply to provide greater and more precise information about a potential borrower.

**With regard to Claims 15,7,20**, Fletcher teaches the method, system, and media comprising:

calculates numeral data concerning costs of one or a plurality of financial services applicable to said particular company (See Figure 18, item 324d, showing rates based on credit risks associated with the current financial data)

Fletcher does not expressly teach the limitation wherein:

said numeral data concerning costs corresponds to said data concerning said bankruptcy probability of said particular company.

However, Official Notice is taken that financial service rates are impacted by inclusion of such bankruptcy probability calculations. Thus it would be obvious to modify Fletcher to adjust financial service rates based on a bankruptcy probability calculation. The motivation for such a combination is within the knowledge generally known to one of ordinary skill in the art, and is simply to adjust financial service rates to most accurately reflect the credit risk of all potential borrowers.

**Claim 8 recites:**

The system set forth in claim 1, wherein said means for calculating said estimated rating point value calculates estimated rating point values respectively corresponding to a plurality of financial state changing measures applicable to said particular company by using a plurality of estimated financial data after said



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plurality of financial state changing measures applicable to said particular company are performed and said predetermined rating point value formula, and multiple financial data wherein said means for calculating said numeral data associated with said estimated credit risk calculates numeral data that is associated with said estimated credit risk of said particular company and corresponds to a selected estimated rating point value of said plurality of said estimated rating point values calculated by said means for calculating said estimated rating point value.

The Examiner interprets this claim to represent the steps wherein different sets of financial data are used to calculate different sets of credit scores and credit ratings, according to the formulas used for creating such indicators. The Examiner observes that the system used in Fletcher is capable of implementing Applicant's system. Specifically, the estimated financial data that is referred to in Figure 13 as "projected", can be changed each time the system is invoked to perform an assessment. Thus a user can use various sets of projected data to observe the effect of the data on the resultant credit scores, ratings, and financial services values.

If Applicant disagrees that this is a fair interpretation of the disclosure of Fletcher, the Examiner would then ask Applicant to consider that Johnson actually teaches that a plurality of elements need to be considered when establishing credit risk. See (Col. 8, lines 53-59). A reasonable interpretation of this passage is that different types of financial data and different projected values of one type should be used in determining credit risk. It would thus be obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine the teachings of Fletcher, related to calculating rating point values (in numeral form as well) based on predetermined credit formulas, with the

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teachings of Johnson, related to accepting multiple financial data in calculating multiple rating point values. The motivation for such a combination is within the general knowledge of one of ordinary skill in the art, and is simply to get a full picture of the credit risk of a potential borrower and to provide greater and more precise information about a potential borrower.

### ***Conclusion***

THIS ACTION IS NON-FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is (571) 272-6738. The examiner can normally be reached on M-F 9:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

James M. Alpert  
March 20, 2006

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